

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM J. MURRAY,

Plaintiff,

v.

TXU CORP. *et al.*,

Defendants.

)
)
) DOCKET NO. 04-cv-12123-NG
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)
) (Related to Cause
) No. 3:03 CV-088P, U.S. District
) Court, Northern District of
) Texas, Dallas Division)
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ANP'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM

American National Power, Inc. ("ANP") respectfully moves pursuant to Local Rule 7.1 for leave to file the attached Reply Memorandum to address the arguments raised in the Response to ANP's Post-Hearing Memorandum in support of its request for attorneys' fees and costs ("Response") filed by the Defendants TXU Corp., TXU Energy Company L.L.C., and TXU Portfolio Management Company L.P. f/k/a TXU Energy Trading Company (collectively "TXU"). In support of this Motion, ANP states as follows:

1. TXU filed its Response to ANP's Request for attorneys' fees and costs on November 18, 2004.
2. TXU's Response raises various arguments and allegations that misstate the legal standards applicable to ANP's Request for attorneys' fees and costs as well as the factual record in this matter.
3. ANP submits that the Reply Memorandum submitted herewith is necessary to respond to TXU's arguments and allegations and to clarify the factual record in this matter.

4. Accordingly, ANP respectfully requests that this Court grant ANP leave to file the within Reply Memorandum.

Respectfully submitted,

AMERICAN NATIONAL POWER, INC.
By its attorneys,

Dated: November 30, 2004

/s/ Darin A. Day
Christopher H.M. Carter (BBO #561146)
Darin A. Day (BBO #650228)
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CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

I, Darin A. Day, counsel for ANP, hereby certify that on November 30, 2004, I conferred in good faith with Anita Bapooji, counsel for TXU, concerning this Motion, and that Attorney Bapooji advised that TXU does not assent to the Motion.

/s/ Darin A. Day
Darin A. Day

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was distributed to all counsel of record.

/s/ Darin A. Day
Darin A. Day